

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of August, 2005, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Seiffert gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the July 12 (two meetings) and 19, 2005 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police - General, Resolution #R-05-083 amending the FY 2006 City/Federal/State Aid Fund Budget and appropriating \$3,000, fully reimbursable, to provide overtime to effectively carry out selective enforcement activities and investigations, laid over from the July 12, 2005 meeting, was again presented and read, and on motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Fire – General/Emergency Communications, Resolution #R-05-084 amending the FY 2006 General Fund Operating Budget and appropriating \$129,969, with resources of \$129,969, to replace 90 portable radios for public safety use, laid over from the July 12, 2005 meeting, was again presented and read, and on motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works – Wastewater Treatment Plant, Resolution #R-05-085 amending the FY 2006 Sewer Capital Projects Fund and appropriating \$273,600, fully reimbursable, for preparation of a Basis of Design Report and Interim Optimization Plan for Nutrient Removal for the Wastewater Treatment Plant, laid over from the July 12, 2005 meeting, was again presented and read, and on motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Central Virginia Community Services, City Council Report #5 regarding approving the Central Virginia Community Services FY 2006 Performance Contract was considered. Council Member Gillette stated that due to a contractual arrangement with Centra Health, he would abstain from this item. On motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following

recorded vote adopted Resolution #R-05-096, as presented, approving the Central Virginia Community Services FY 2006 Performance Contract as required by Section 37.1-198(B)(ii) of the Code of Virginia:

Ayes: Dodson, Foster, Helgeson, Johnson, Seiffert, Hutcherson	6
Noes:	0
Abstention: Gillette	1

// In the matter of Police - General, City Council Report #6 was considered. On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-097, as presented, amending the FY 2006 City Police Department Budget and transferring \$7,000 of previously appropriated funds to the Police Department for the purchase of replacement bullet proof vests:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

// In the matter of Police - General, City Council Report #7 was considered. On motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-098, as presented, amending the FY 2006 City/Federal/State Aid Fund Budget and appropriating \$3,000, fully reimbursable, to provide for overtime to effectively carry out selective enforcement activities and investigations:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

// In the matter of Police – Training Academy, City Council Report #8 was considered. On motion of Council Member Seiffert, seconded by Vice Mayor Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-099, as presented, appropriating \$120,000 to fund the Central Virginia Criminal Justice Training Academy's share of the cost to renovate the James T. Davis building:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

// In an item not on the agenda, Lynchburg Little League President Bob Bailey presented the City with a check for \$7,500 as their contribution to the new lighting system on the baseball fields at Miller Park. Mr. Bailey stated that the new lighting system allowed the League to host the State 11-Year Old All-Star tournament at Miller Park in July.

// In the matter of Schools - General, a public hearing was held to receive input from citizens regarding the appointment of an individual to fill a vacancy that exists in District II on the Lynchburg School Board. Mayor Hutcherson announced that the following individuals have volunteered to serve—Jason Patrick Campbell, Joseph T. Catlett, Jr., Eric A. Chisholm, James William Cobbs, Jr., Denise Mae Crews, Eyvonne Green, Atul Gupta, Lanksford E. Hankins, Sr., George D. Hatmaker, and Carol Spencer Read. Mr. Edward Barksdale spoke in support of Lanksford E. Hankins, Sr. and asked that City Council appoint Mr. Hankins to the School Board. There was no one else present who wished to speak to this item, and the public hearing was closed.

// In the matter of City Code/Registrar - General, a public hearing was held regarding City Council Report #10 regarding the adoption of an Ordinance amending the City Code and changing the location of the Ward IV, Precinct 1 Polling Place to the Elks Lodge, 6235 Old Mill Road. City Manager Kimball Payne provided a brief summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Johnson, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Ordinance #O-05-100, as presented, amending the City Code and changing the location of the Ward IV, Precinct 1 Polling Place to the Elks Lodge, 6235 Old Mill Road:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #11 outlining the petition of the Lynchburg Daily Bread for a Conditional Use Permit at 721 Clay Street to allow the construction of a building addition in an R-2, Low-Medium Density Residential District. City Planner Tom Martin provided a brief summary of the request. Mr. Tom Gerdy, representing the petitioner, outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-05-101, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning – Historic District, a public hearing was held regarding City Council Report #12 regarding the petition of Historic Sandusky Foundation, Inc., to consider a local Historic District (HD) zoning designation for the property to be known as the Sandusky Historic District, 757 Sandusky Drive. City Planner Tom Martin provided a brief summary of the request. Mr. Greg Starbuck, Historic Sandusky Executive Director, outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted Ordinance #O-05-102, as presented, granting the petition:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Code/Taxicabs, a public hearing was held regarding a request from taxicab owners/drivers in the City for a taxicab rate increase effective September 1, 2005, as follows:

- For the first one-ninth mile, or fraction thereof – increase from \$1.40 to \$1.80
- For each succeeding one-ninth mile, or fraction there – increase from \$0.20 to \$0.25
- To increase the hourly rate from \$6.00 to \$30.00.

City Manager Kimball Payne stated that following the May 10 public hearing, a meeting was held on June 20 with representatives of all taxicab companies and consensus was reached on the above increases.

Mr. Payne explained that the owners do not want the City to deregulate the rates, and instead of a rate ceiling the operators would prefer that the City continue to set the rates by code. Mr. Payne went on to say that repeal of Section 37-37 is also being recommended in that it is dealt with in the rules and regulations promulgated by the City Manager. Mr. Payne did note that he will need to develop a set of rules and regulations as required by code since he has not been able to obtain a final copy of the previous rules and regulations. Mr. Jeremiah Gardner, representing the taxicab companies, spoke in support of the proposed taxicab rate increases. There was no one else present who wished to speak to this item, and the public hearing was closed. In response to Council questioning, City Manager Payne agreed that the rate under "waiting time" needed to be changed from \$0.40 to \$0.50 to reflect the change to \$30 per hour waiting time. Mr. Payne also asked that City Council not repeal Section 37-37 until the rules and regulations have been finalized. On motion of Council Member Johnson, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Ordinance #O-05-103, as amended to incorporate the above two changes, and approving the taxicab rate increases effective September 1, 2005:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// In the matter of Public Works - Sewers, a public hearing was held regarding City Council Report #14 regarding amending the FY 2006 Sewer Capital Projects Fund Budget and appropriating \$2,000,000, fully reimbursable, for additional Combined Sewer Overflow (CSO) Control Projects. Director of Utilities Tim Mitchell provided a brief summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-104, as presented, amending the FY 2006 Sewer Capital Projects Fund Budget and appropriating \$2,000,000, fully reimbursable, for additional Combined Sewer Overflow (CSO) Control Projects:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// In the matter of Property, City Council Report #15 regarding the repeal of the reversion clause in a 1957 deed transferring property to the Virginia Jaycees in exchange for the conveyance of a portion of the property to the City for a public crosswalk was considered. City Manager Kimball Payne provided a brief summary of the request, stating that a public crosswalk is needed in order to provide a safer path from a nearby parking lot to baseball fields at Miller Park. Some Council Members stated that due to the safety concerns the City needed to move forward in obtaining the property for the crosswalk as quickly as possible. Council Member Johnson made a motion, seconded by Vice Mayor Foster, to repeal the reversion clause in a 1957 deed transferring property to the Virginia Jaycees in exchange for the conveyance of a portion of the property to the City for a public crosswalk. In response to Council questioning, Mr. Payne stated that he did not know the fair market value of the property nor the amount of taxes generated by the property. Some Council Members stated that although they were also concerned

regarding the safety issue, they would like to know the value of the exchange prior to making a final decision and asked that the assessed value of the property and the amount of taxes generated by the property be provided to City Council. Other Council Members expressed concern regarding the repeal of the reversionary clause and questioned if the Virginia Jaycees would be willing to sell to the City the land needed for the crosswalk. City Attorney Walter Erwin stated that he spoke with the Jaycees' attorney and was told that they are not interested in selling the property, and because they view the reversion clause as a defect in the property's title, they would like for the City instead to repeal the reversion clause in the 1957 deed in exchange for the conveyance of a portion of the property to the City for a public crosswalk. Following discussion, Council Member Helgeson made a substitute motion, seconded by Council Member Seiffert, to postpone action regarding the request until the information requested has been received, and Council by the following recorded vote approved the substitute motion:

Ayes: Dodson, Foster, Helgeson, Johnson, Seiffert, Hutcherson 6

Noes: Gillette 1

// On motion of Council Member Johnson, seconded by Vice Mayor Foster, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// The meeting was re-opened to the public.

// Council Member Johnson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Vice Mayor Foster, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Appointments, and on nomination of Council Member Johnson, Council by the following recorded vote appointed Linda Jones to serve on the Lynchburg Parking Authority for a term to expire October 30, 2009:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

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On nomination of Council Member Johnson, Council by the following recorded vote appointed Ralph Wilson to serve on the Lynchburg Parking Authority for a term to expire October 30, 2007:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// The meeting was recessed at 9:17 P.M. to August 29, at 12:00 Noon, Eagle Eyrie Conference Center, for City Council's annual retreat.

Clerk of Council